

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MARC BRAGG, Esq., an individual,

Plaintiff,

v.

LINDEN RESEARCH, INC., a corporation,  
and PHILIP ROSEDALE, an individual,

Defendant.

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No. \_\_\_\_\_

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that defendants Linden Research, Inc. and Philip Rosedale, by and through their undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby remove this action from the Court of Common Pleas of Chester County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania. In support of this removal, defendants state as follows:

**Introduction**

1. On October 4, 2006, plaintiff Marc Bragg ("Plaintiff") filed a complaint, captioned *Marc Bragg v. Linden Research, Inc. and Philip Rosedale*, No. 06-08711, in the Court of Common Pleas of Chester County, Pennsylvania (the "Chester County Action"). Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the complaint from the Chester County Action is attached hereto as Exhibit A.

2. Defendants received a copy of the Complaint on or about October 10, 2006.

3. Pursuant to 28 U.S.C. § 1446(b), removal of the Chester County Action is timely as this Notice of Removal is being filed within thirty days after Defendants' receipt of the complaint filed in the Chester County Action.

**Jurisdictional Basis For Removal**

4. Removal of this action is proper under 28 U.S.C. § 1441(a), which allows for the removal of any civil action over which the district courts of the United States would have original jurisdiction.

5. This Court has jurisdiction over this action since the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs. See 28 U.S.C. § 1332(a). More specifically, original jurisdiction is present in this action because:

a. Plaintiff is an adult individual residing in Chester County, Pennsylvania. See Ex. A, ¶ 1.

b. Defendant Linden Research, Inc. is incorporated pursuant to the laws of the State of Delaware. Linden Research, Inc.'s principal place of business is 1100 Sansome Street, San Francisco, CA. See Ex. A, ¶ 2.

c. Defendant Philip Rosedale is an adult individual residing in San Francisco, California. See Ex. A, ¶ 3.

d. Plaintiff seeks in excess of \$75,000 in damages. Specifically, Plaintiff seeks to recover from two separate Defendants what Plaintiff describes in the Complaint as "a significant amount of virtual property" (Complaint, ¶ 89), "thousands in U.S. Dollars" of investments (Complaint, ¶ 88), additional amounts formerly held in his account with Linden and allegedly improperly seized by Linden, treble and/or punitive damages under Pennsylvania law, treble and/or punitive damages under California law, \$1,000 in statutory damages under

California law, declaratory relief, injunctive relief and counsel fees. See Ex. A.

**Conclusion**

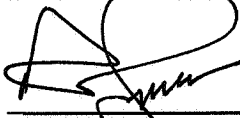
6. Accordingly, had this action been brought in the United States District Court for the Eastern District of Pennsylvania originally, this Court would have had original jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332. As a result, this action is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

7. Pursuant to 28 U.S.C. § 1446(d), Defendants shall give written notice of the filing of this Notice of Removal to Plaintiff and shall file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania.

WHEREFORE, defendants Linden Research, Inc. and Philip Rosedale respectfully remove to this Court the matter styled as *Marc Bragg v. Linden Research, Inc. and Philip Rosedale*, No. 06-08711, from the Court of Common Pleas of Chester County, Pennsylvania.

REED SMITH LLP

By:



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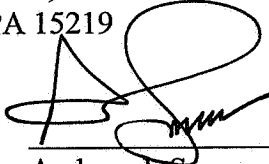
Attorneys for Defendants  
Linden Research, Inc. and Philip  
Rosedale

Dated: November 7, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 7th day of November, 2006, I caused to be served a true and correct copy of the foregoing Notice of Removal by first class United States mail, postage prepaid, upon the following counsel:

Jason A. Archinaco, Esquire  
White and Williams LLP  
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Andrew J. Soven